



---

# San Diego City Attorney **MICHAEL J. AGUIRRE**

---

## **NEWS RELEASE**

**FOR IMMEDIATE RELEASE: September 29, 2005\***

**Contact: Maria Velasquez, Communications Director: (619) 235-5725** (pager & voicemail) [mvelasquez@sandiego.gov](mailto:mvelasquez@sandiego.gov)

### **JUDGE CONFIRMS AGUIRRE'S RIGHT TO PURSUE HIS CLAIM IN COURT THAT HE IS THE CHIEF LEGAL ADVISOR TO THE CITY'S RETIREMENT BOARD**

***SUPERIOR COURT JUDGE ALSO AFFIRMS CITY ATTORNEY'S FREE SPEECH RIGHTS***

**San Diego, CA:** A Superior Court Judge has confirmed an earlier ruling that City Attorney Michael Aguirre can pursue his claim in court that he is the Chief Legal Advisor to the San Diego City Employees Retirement System (SDCERS). The Judge's decision was part of a pre-trial hearing held last August to define the issues to be tried in court which include the rolling back of "illegal pension benefits." Judge Jeffrey Barton clarified his earlier ruling by stating that San Diego City Attorney Michael Aguirre may pursue his right to act as Chief Legal Counsel for SDCERS in all matters outside this litigation.

The Court also confirmed the issuance of its protective order prohibiting SDCERS from interfering with the City Attorney's free speech rights to terminate SDCERS's counsel, to assume the position that the City Attorney is the Chief Legal Advisor to SDCERS, to take legal action against the SDCERS's Board and to demand that SDCERS waive its attorney client privilege.

"We will ask the Court for the maximum attorney's fees from those who filed this frivolous lawsuit that attempted to constrain the free speech rights of a public official," said Executive Assistant City Attorney Don McGrath.

On December 15, 2004, City Attorney Michael Aguirre notified SDCERS that he was asserting the City Attorney's authority, under Section 40 of the San Diego City Charter, to assume the role of chief legal advisor. That action would terminate the 1998 Memorandum of Understanding between the City of San Diego and SDCERS which was negotiated by former City Attorney Casey Gwinn.

###